



MINUTES

Capital Projects Committee of the Legislative Council

January 31, 2006 First Meeting of the 2005–2006 Biennium

MEMBERS PRESENT:

Senator, Tom Courtney
Chair

Senator Jeff Angelo
Senator Robert Dvorsky
Senator John P. Kibbie
Senator Mark Ziemann

Representative Libby Jacobs,
Vice Chair

Representative Bill Dix
Representative Chuck Gipp
Representative Pat Murphy
Representative Janet Petersen

MEETING IN BRIEF

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- I. Procedural Business.
- II. Wallace Building.
- III. Other Building-Related Issues.
- IV. West Capitol Terrace Project.
- V. Committee Plans.
- VI. Materials Filed With the Legislative Services Agency.



Capital Projects Committee of the Legislative Council

I. Procedural Business.

Meeting Times. The first meeting of the Capital Projects Committee for the 2005-2006 biennium was convened at 12:07 p.m. in the Supreme Court Consultation Room of the Statehouse. The Committee adjourned at 1:00 p.m.

Officer Election. Upon motion of Senator Dvorsky, Senator Courtney was elected Chairperson and Representative Jacobs was elected Vice Chairperson on a unanimous voice vote. They both made opening remarks.

II. Wallace Building.

Overview. Ms. Mollie Anderson, Director of the Department of Administrative Services, presented information regarding the history and present status of the Wallace State Office Building and responded to member questions.

History. The historical information provided by Director Anderson included the following:

- The building was constructed in 1978 and is currently valued at \$40 million.
- The design cost for the building was approximately \$10 million and construction cost was \$10.4 million.
- Many features were included in the design, but were removed from the final plan in order to construct the building within the amount appropriated.
- Three major problems exist: the building was not designed for the purpose for which it is used, construction and design problems were not addressed within the statute of limitations, and the building was designed without consideration of life cycle costs.

Advisory Committee. A consultant was hired to analyze whether it would be worthwhile to renovate the building or if another option should be considered. The consultant report recommended renovation and projected a cost of \$31 million. Basically, the whole interior of the building would be gutted and replaced. Replacement cost for the building is estimated at \$45 million.

The Governor's Property Management Advisory Committee reviewed the consultant recommendations and other facility-related issues and considered nine options for addressing the Wallace Building. The advisory committee recommended that the Wallace Building should be vacated and demolished following construction of a new building to be located on Capitol Complex property. The replacement building should be at least 350,000 square feet in order to house state employees housed in leased space in the Des Moines area. Current lease costs amount to \$8 million annually. Savings from elimination of leases could be applied against the cost of the new building.



Committee Discussion.

Black Mold. Senator Zieman inquired about the presence of mold in the building. Director Anderson responded there are air quality issues due to the inadequacy of mechanical apparatus, but there is not black mold present in the building.

Lessons Learned. Several members questioned what could be done to prevent the problems presented by the Wallace Building in future projects. Director Anderson identified several options, including using a construction agent throughout the process to ensure good value is received and ensuring there is strong consideration of life cycle costs.

III. Other Building-Related Issues.

Deferred Maintenance. Director Anderson said that the state has a backlog of \$450 million in deferred maintenance for state buildings. She said that the state expends 17 cents per square foot for building maintenance, while the standard for expenditures by a business is \$1.50 per square foot. The advisory committee suggested that a dedicated funding stream should be established for deferred maintenance. It was also recommended that a dedicated fund for capital expenditures be created. One of the benefits of a dedicated fund would be to allow for purchase of land needed at the Capitol Complex when land first becomes available and the cost is relatively low. Director Anderson noted several useful properties had been offered, but the state did not have the means to purchase them.

Property Insurance. The advisory committee also looked into property insurance as the state is completely self-insured for buildings at the complex. Among the options offered was procurement of stop-loss coverage.

IV. West Capitol Terrace Project.

Background. Director Anderson described the history of discussions and memorandums of understanding between the state and the City of Des Moines involving the Statehouse, sight lines to the Statehouse, development of the East Village area, and conversion of the parking lots located below the west steps to provide an attractive foreground for the Statehouse. She described three detailed phases for improvements to the west side of the Statehouse for which \$2.3 million has been requested to complete Phase I. Recently, discussions have been held with the R. A. Bloch Cancer Foundation regarding the potential for foundation support for park development that includes cancer survivor information.

Discussion. Vice Chairperson Jacobs asked whether a visitor center is included in any of these phases for the Statehouse west side. She noted that this could address the need for the cafeteria and kitchen to be moved from the ground floor to a location near the Statehouse and provide a space for schoolchildren and other visitors. Director Anderson expressed her understanding of the need and interest in this idea but neither a visitor center nor a separate cafeteria are currently included in the plans.



Capital Projects Committee of the Legislative Council

V. Committee Plans.

Role of Committee. Representatives Gipp and Murphy provided a history of activity by the Capital Projects Committee in response to questions from Representative Petersen and others about the role and authority of the Committee. In the last 10 years, the Committee focus has been on improving access for persons with disabilities, fire safety, and other improvements for the Statehouse. However, Iowa Code section 2.47A provides a wide-ranging role for the Committee to review state capital projects and initiate action.

Recommendation. Senator Dvorsky inquired about recent discussions regarding fire safety and access for persons with a disability in the Statehouse. Representative Murphy said a listing of accessibility projects has been developed and provides useful information. This listing will be distributed to Committee members.

Members discussed whether it would be appropriate for the Committee to make a recommendation regarding action on the Wallace Building. Director Anderson offered that the Joint Appropriations Subcommittee on Transportation, Infrastructure, and Capitals would be considering this issue later in February.

Next Meeting. It was proposed that Committee members meet in two weeks on February 14 to discuss making a recommendation.

VI. Materials Filed With the Legislative Services Agency.

The following packet of materials was distributed at the meeting and is attached to these minutes:

Initiatives on State Property Issues – Capitol Complex, presentation materials distributed by Director Mollie Anderson, Department of Administrative Services.

3577PC



Iowa Department of
Administrative Services

Director's Office

Thomas J. Vilsack, Governor
Sally J. Pederson, Lt. Governor

Mollie K. Anderson, Director

Initiatives on State Property Issues ~ Capitol Complex

Presentation to Capitol Projects Committee of the Iowa Legislative Council

Tuesday, January 31, 2006

Supreme Court Consultation Room ~ Noon

- Overview

- Wallace Building

- West Capitol Terrace Project

OVERVIEW

Governor's Property Management Advisory Committee



Iowa Department of
Administrative Services

Thomas J. Vilsack, Governor
Sally J. Pederson, Lt. Governor

Director's Office

Mollie K. Anderson, Director

Governor's Property Management Advisory Committee
September, 2005

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GOVERNOR'S PROPERTY MANAGEMENT ADVISORY COMMITTEE FINAL RECOMMENDATIONS

November 28, 2005

WALLACE BUILDING AND MAINTENANCE OF STATE BUILDINGS

The Advisory Committee on Property Management Issues, in completing its work, makes the following recommendations for consideration by Governor Vilsack:

1. Wallace State Office Building:

The Property Advisory Committee recommends that the State vacate and demolish the Wallace State Office Building and construct a new office building at a new site to be determined on property already owned by the State. The construction of the new office building shall occur prior to vacating and demolishing the Wallace Building. The new building should be sized at a minimum of 350,000 gross square feet so that additional space (beyond what is currently available in the Wallace Building) is available to permit relocation, as appropriate, of state employees currently located in leased space at the Seat of Government (Polk County). This recommendation is made subject to the following caveats:

- a. That the State makes a commitment to provide sufficient funds to maintain the new building either through appropriation or by other means.
- b. That the State identifies appropriate leased locations to vacate and move state employees located at those locations into State-owned locations on the Capitol Complex.
- c. The Committee recognizes that elimination of existing lease obligations will reduce lease costs and recommends that these "savings" be redirected to provide a portion of the funds needed to pay for implementation of this recommendation. The Committee further recommends that the State prioritize, and encourage to the greatest extent possible, the elimination of leases based upon the following:
 - i. Those leases that are paid from general fund monies.
 - ii. Those leases that, if eliminated, will not result in a negative impact on the citizens served from such leased location or on the services provided by a state agency to its customers or clientele.
 - iii. A state agency that proposes to remain at a leased location when space is available on the Capitol Complex should be required to establish a valid business case in support of such proposal.

2. Maintenance of State Buildings:

The Property Advisory Committee recommends that the State make a commitment to address routine and major maintenance needs, including the existing backlog of deferred

maintenance projects. The Committee recommends the following actions as a part of that commitment:

- a. Insurance:
 - i. Explore the cost and benefits of a self-insurance fund for state property with deductibles and maximums.
 - ii. Determine the cost and benefits of purchasing catastrophic insurance to cover losses in excess of the amount that the self-insurance fund could afford to handle.
- b. Develop a Maintenance Manual establishing policies and standards for maintenance of state facilities. (At a minimum, the manual should establish accountability for condition of state buildings, a standard condition level, and a capacity to develop routine preventive maintenance schedules.)
- c. Establish dedicated funding streams for routine/preventive maintenance. This recommendation includes all of the following:
 - i. Standing limited appropriation to fund routine maintenance.
 - ii. Specifically for the Capitol Complex, assess an additional \$1 to \$1.50 per square foot fee, as part of the annual Capitol Complex Association fee that state agencies are already paying, specifically for routine maintenance.
 - iii. Adequate funding of annual capital requests for routine maintenance for agencies receiving support through the Vertical Infrastructure Program.
- d. With respect to major/deferred maintenance, do all of the following:
 - i. Establish a regular review schedule to reassess each building, such as every three years or five years.
 - ii. Utilize a full life-cycle analysis throughout the planning and construction process for each new capital project or major renovation. Consider (or update) total life-cycle costs of a building for making ongoing maintenance decisions.
 - iii. Establish capital improvement reserve funds
 - iv. Assist each agency that operates a facility with the establishment of a master plan for purposes of managing the reserve funding for capital renewal projects in a manner that takes into account the entire facility and whether a given project is cost effective given the overall condition, age, and functionality of the building.

3. West Capitol Terrace Project:

The Advisory Committee recommends that the State move forward with the West Capitol Terrace Project as follows:

- a. The State fulfills its obligations under the Memorandum of Understanding entered into with the City of Des Moines on October 25, 2001, with respect to this project.
- b. That sufficient funding is provided for the procurement of property necessary to complete the Project as planned. The State should examine all methods of procuring this property to determine the best course of action including direct negotiations with existing owners, use of eminent domain, waiting until such time in the future when the property is offered for sale, and any other appropriate and available means.
- c. That, at a minimum, the State proceeds with the planning of all phases of the project and strives to implement those plans as soon as possible.

4. Carriage House Project:

- a. The Advisory Committee recommends that the State move forward with the Carriage House Project as described in the DAS Funding Application (entitled "Roads to the Capitol") submitted to the Iowa Department of Transportation on October 1, 2005.
- b. The Advisory Committee also recommends that DAS develop a complete life-cycle cost associated with this project (inclusive of all maintenance).

5. Financing Options and Insurance:

- a. In addition to any other financing mechanisms identified in these recommendations, the Advisory Committee recommends that the State consider the use of long-term financing methods to accomplish the projects identified and discussed by the Advisory Committee.
- b. With respect to the construction of new facilities or major improvements to existing facilities, determination of financing method should be based upon the size of the project:
 - i. Create authority in either the Treasurer's office or the Iowa Finance Authority to issue bonds or other appropriate debt instrument for larger projects.
 - ii. Use private financing (e.g., commercial lenders) or existing authority of State Treasurer to enter into lease/purchase arrangements for improvement projects or purchases under \$1 million for smaller projects.
- c. Routine Maintenance:
 - i. Fee should be charged to customer agencies for this purpose. Amounts collected should be deposited into a reserve fund established specifically for this purpose.
 - ii. This fee structure could be modeled on the existing workers' compensation structure or the vehicle risk pool structure.
 - iii. Fee structure should be created in a manner to help defray the all costs associated with the associated space (e.g. routine maintenance, depreciation, etc.).
- d. Pursue public/private grants, federal funding, and possible gifts that could be utilized to construct or maintain state facilities.
- e. Research what authority other states currently have to determine if any such authority could be implemented in Iowa. Develop any necessary legislation for consideration during the upcoming legislative session to authorize an appropriate state agency (to be determined) to enter into agreements for the purchase of property or existing facilities. The intent of this recommendation is to ensure that the state can act swiftly with respect to property acquisition. The issue of appropriate safeguards should be discussed with respect to the proper utilization of such authority.
- f. Insurance. Determine cost applicable to property, casualty and general liability insurance options and then complete cost/benefit analysis to determine if State should procure such insurance.
- g. CAVEAT: Consideration and implementation of any of these financing methods must include identification of an existing or potential source of funding to cover related costs or security requirements. Potential sources of funding include:
 - i. Project rental receipts.
 - ii. Proposed appropriation receipts (e.g. RIIF, General Fund)
 - iii. Proposed receipts from the tobacco bond refinancing program.
 - iv. Projected payments by customer agencies for routine maintenance deposited into reserve funds. (see paragraph "c" above)
 - v. Any proposed grants income.

GOVERNOR'S ADVISORY COMMITTEE
PROPERTY MANAGEMENT ISSUES

Key property management issues on the Capitol Complex:

1. Work with the Legislative Capital Projects Committee to determine the disposition of the Wallace Building. A study recently completed recommended it would take a \$31 million investment to fix current building inadequacies or it would take a \$45 million investment to build a similar size facility. This was presented to the Legislature's Infrastructure Appropriation Subcommittee, but no action was taken. A decision on the building is needed soon because:
 - We cannot utilize vacant square footage in the building without major investments for tenant improvements and building upgrades.
 - We risk spending more money on major maintenance because we are unable to justify investment decisions on routine maintenance if we do not know if the building is going to remain.
 - Currently, there are many outstanding tenant improvement requests and access deficiencies for persons with disabilities that are in limbo while we await a decision on the building. Approximately 50,000 square feet is vacant in the Wallace Building. We have three tenants who want to use the vacant laboratory space. If we are unable to renovate this space, these tenants will be forced to rent space at approximately \$13.85 per square foot. A cost avoidance of approximately \$700,000 could be achieved by not leasing space to meet the tenant's space needs.
2. Continue progress made on improving the condition of current state building assets by increasing major and routine maintenance dollars as well as increase dollars devoted to improvement of the Capitol and Capitol Environs. Seek gubernatorial support for increased infrastructure funding, and support for completion of West Capitol Terrace project. 2005 legislation (HF 875) increased Major Maintenance funding (\$8.91 million for FY2006, \$10 million for FY2007, \$40 million for FY2008 and \$40 million for FY2009), however, Routine Maintenance funding remains at \$2 million for FY2006. The Code (§7E.5A) mandates that agencies annually request 1% of the replacement cost of their facilities (currently \$20 million) for routine/preventive maintenance. This requirement applies to facilities supported by the Vertical Infrastructure Program.
3. Work to secure, purchase or lease space adjacent to the Capitol Complex that can act as a continuity of government transition space in the event of a natural disaster, building system failure, or major renovation project. Today the Capitol Complex is nearly 100% occupied leaving only 988 square feet vacant. Furthermore, we are leasing more than 600,000 square feet of space in the Des Moines area at an annual cost of more than \$8 million. We are currently under-investing in assets we own and maintain. This has resulted in numerous state buildings being below a C grade in building reliability. During the past 6 months we have had some significant building system failures that have negatively impacted operations and we have several asbestos abatement projects that must be addressed. The state must be more proactive in planning for these events by strategically planning for transition space. (A current property for sale that would meet these needs is the Lutheran church directly adjacent to the IWD building.)
4. Recommend the Capitol Planning Commission plan to acquire properties in the vicinity of the Capitol Complex by purchasing or lease-purchasing property currently being held by private entities, while real estate prices and the cost of money is at a market low. Failure to do so now will result in a patchwork map of private and public use buildings or structures that will undermine efforts made to develop the East Village development project and fulfill the goals of the Capitol Complex Master Plan.
5. Investigate other financing opportunities with Iowa Finance Authority and the State Treasurer's Office which would allow the state to position itself well in the marketplace by establishing purchasing authority within certain limits. This would allow the state to act without driving up the cost of properties we might be interested in, as a result of seeking a legislative appropriation before an offer can be made.
6. Currently, DAS is seeking a grant from the U.S. Dept. of Transportation, as well as exploring other funding sources to renovate the building now known as the Carriage House for use as a major focal point of the Capitol Complex. The 1909 structure located north of the Capitol and between the Jessie Parker Building and the Workforce Development Building has been identified as a future visitors' center in the Capitol Complex Master Plan. DAS, together with Cultural Affairs and other agencies, is developing a "Roads to the Capitol" concept that will feature this building as a major orientation center and meeting space for children and others visiting the Capitol. In conjunction with the West Capitol Terrace project and other improvements, Iowa's Capitol Complex will truly become one of Iowa's "Great Places."

WALLACE BUILDING



Iowa Department of
Administrative Services

Director's Office

Thomas J. Vilsack, Governor
Sally J. Pederson, Lt. Governor

Mollie K. Anderson, Director

Frequently Asked Questions The Wallace State Office Building

Q1: What is the history of the Wallace State Office Building?

A1: The Henry A. Wallace State Office Building cost \$10.4 million to build, not including planning and design, landscaping, artwork, and moving expenses. Today it is considered to be a \$40 million asset. The building has 229,317 gross sq. ft. (159,223 net sq. ft.). Completed in 1978, the building's distinctive architecture and unusual interior floor plan have challenged tenants and building managers since it opened.

Q2: What departments are located there and how many employees work there?

A2: The building provides office space under a common roof for approximately 650 state employees of the Department of Agriculture and Land Stewardship, the Department of Natural Resources and the Department of Public Safety (DPS).

Q3: What is the recent history?

A3: Early in 2003, ongoing tenant concerns regarding air quality increased. Moisture damage in restrooms caused by plumbing leaks and a failed fan motor in a main exhaust duct were identified and repaired, and airflow rates in the building were increased. In some areas, mold was found and removed.

In 2004, Senate File 2298 directed DAS to oversee a complete evaluation of the building and its systems and develop a recommendation as to whether it should be renovated or demolished, authorizing an expenditure of \$230,000. A construction consultant, the Minneapolis, MN office of AMEC E&C Services (AMEC), was chosen to perform the evaluation in a competitive selection process. AMEC completed the study and delivered its evaluation in December 2004. (*See the consultant's recommendation in A4, below.*)

In the spring of 2005, the University of Iowa Hygienic Laboratory and the laboratories of the Department of Agriculture and Land Stewardship and the Division of Criminal Investigation (DPS) moved to the new Iowa Laboratory Facility in Ankeny, freeing up almost 60,000 sq. ft. The move of the remainder of DPS to the Records and Property building in early 2007 will free some 34,000 sq. ft.

Q4: What recommendations did the consultant make for the future of the Wallace Building?

A4: Based on an objective technical analysis of engineering and architectural issues, the report recommended renovation of the building and states that the building "can and should be used well into the 21st century. Environmental, economic and Capitol Complex office needs all point towards [renovation of the building]. Remodeling offers the best use of capital, will bring the building and

systems completely up to date, and provides the most cost effective long-term solution to office demands on the Capitol Complex.”

Key changes for this option, which have been estimated to cost \$31.2 million, include:

- Removing the upper level parking deck, which has deteriorated beyond repair.
- Relocating to the roof major mechanical equipment components from various floors of the building to improve air distribution and provide more office space.
- Eliminating most open atrium spaces by extending the floors to the south and southwest walls of the building; addressing interior temperature, noise, and building code issues and adding useable floor space.
- Eliminating the water feature on the ground floor.
- Replacing deteriorating exterior masonry walls and the failing window wall system while maintaining the overall architectural appearance of the building.
- Constructing a new west entrance to the building for better access to the new parking structure west of Pennsylvania Ave.
- Renovating vacated laboratory spaces to office space.
- Renovating all restrooms.
- Replacing elevators.
- Refinishing all ceilings and floors.

Renovation would take up to 18 months, during which time some building tenants would be relocated for a period of time.

AMEC considered both renovation and demolition of the building with replacement of a new state office building on the Capitol Complex.

The consultant’s recommendation – to renovate the building – is the technical recommendation of the consultant only, for use by the Governor, DAS and others in making a final determination. You can read the complete consultant’s report on the DAS website:
http://das.iowa.gov/wallace_eval/index.html.

Q5: What other recommendations concerning the future of the Wallace Building have been made?

A5: On matters concerning state facilities, there are three primary groups that have provided input:

- The Capitol Planning Commission: composed of state agency representatives and members of the legislature. It advises the state legislature on Capitol Complex infrastructure.
- The Vertical Infrastructure Advisory Committee: composed of citizens appointed by the Governor. It advises the Governor on maintenance issues concerning state facilities.
- The Property Management Advisory Committee: composed of representatives of private industry (such as business, banking and realty). It provided advice and recommendations to the Governor on a number of issues and was specifically asked by the Governor to review the Wallace Building options and present a recommendation from a “business case” perspective. Their report is below:

The Advisory Committee on Property Management Issues, at its October 10, 2005 meeting, makes the following recommendations:

Wallace State Office Building:

The Property Management Advisory Committee recommends that the State vacate and demolish the Wallace State Office Building and construct a new office building at a new site to be determined on property already owned by the State. The construction of the new office building shall occur prior to vacating and demolishing the Wallace Building. The new building should be sized at a minimum of 350,000 gross square feet so that additional space (beyond what is currently available in the Wallace Building) is available to permit relocation, as appropriate, of state employees currently located in leased space at the Seat of Government (Polk County). This recommendation is made subject to the following caveats:

- a. That the State make a commitment to provide sufficient funds to maintain the new building either through appropriation or by other means.*
- b. That the State identifies appropriate leased locations to vacate and move state employees located at those locations into State-owned locations on the Capitol Complex.*
- c. The Committee recognizes that elimination of existing lease obligations will reduce lease costs and recommends that these “savings” be redirected to provide a portion of the funds needed to pay for implementation of this recommendation.*

The Capitol Planning Commission and the Vertical Infrastructure Committee both concurred with the Property Management Advisory Committee’s recommendation to demolish the Wallace Building and construct a new facility on the Capitol Complex.

At this time, the proposal for a new state office building is a recommendation under consideration. A building design has not been developed. The cost estimate for new construction, as projected by the AMEC consulting firm as part of their report, is \$40.5 to 47.25 million, based on a conceptual scope of work and conventional construction. (This amount excludes construction contingencies, commissioning and legal fees. It also excludes furniture, fixture and equipment costs, relocation and moving expenses.) Location of the new building would determine whether or not occupants must be relocated and when demolition takes place. DAS has estimated a four-year time frame to build a new building on a new site.

Q6: Who will make a final decision about the future of the Wallace Building and when will that decision be made?

A6: At the time of this writing, the Governor is expected to request funding for the development of a plan of next steps for the Wallace Building as part of his budget package to the Legislature in January. Any further action on the Wallace Building will require action by the Legislature to provide funding and subsequent approval by the Governor. The 2006 regular session is scheduled to run from January 9 – April 18.

Q7: What immediate work is planned for the Wallace Building?

A7: The consultant, AMEC, also recommended spending \$625,000 to address essential safety and comfort issues if the building is to continue in service for at least two more years. The Legislature appropriated these funds in 2005. Work is scheduled to begin in January 2006 and should conclude by the spring of 2006. (Some of this work would have a life expectancy of at least 10 years and could be used in the long-term renovation plan if that option is selected.)

Immediate short-term work will include the following:

- Modifications to existing heating, ventilating and air conditioning equipment to improve performance and maintenance accessibility. This will help improve the heating control in the winter and prevent overcooling and high humidity in the summer.
- Changes in the first floor electrical equipment room to resolve building code issues and provide for easier maintenance.
- Temporary shoring of the upper deck of the parking ramp (although use would not be restored). The ramp will be closed temporarily while this work takes place. The upper deck of the parking ramp (except for ADA parking) has been closed due to continuing structural deterioration. Of the 104 spaces designed with the building, 73 spaces remain: 44 of 45 spaces on the first floor of the parking ramp, 20 of 50 spaces on the second floor, and 9 in the northwest loading area.

Q8: Are there any threats to employee or public health or safety in the Wallace Building?

A8: The structural problems that have been identified have not been determined to make the building unsafe to occupy. Air quality tests conducted in the building have also concluded that the building is safe to work in. Building conditions are monitored on a regular basis. The health and safety of building occupants is of utmost importance to the building managers. As concerns about the Wallace Building are raised, they are addressed through a formalized and timely process. If there are ever issues you feel need to be brought to our attention, please let us know.

Q9: Who do I contact if I have additional questions or concerns about the Wallace Building?

A9: For maintenance needs in the Wallace Building, contact the DAS Customer Service Center at 515-242-5120 or cust.serv@iowa.gov. If you have a question or concern about the future of the Wallace Building, contact Paul Carlson, Chief Operating Officer for the General Services Enterprise, Department of Administrative Services: 515-281-3196, paul.carlson@iowa.gov.

Last updated January 6, 2006

WEST CAPITOL TERRACE

MEMORANDUM OF UNDERSTANDING

The Director of the Iowa Department of General Services (the "Department") and the City Manager of the City of Des Moines, Iowa, (the "City") hereby acknowledge their agreement to pursue their shared goals and the actions upon the schedule identified below.

Statement of Shared Goals:

The Iowa Legislature has expressed its interest in the appearance of the Capitol Building by the enactment in 1999 of Iowa Code §414.1(2), which specifically authorizes the City of Des Moines to regulate and restrict the height and size of buildings and other structures for the purpose of preserving the dominance of the dome of the Capitol Building and the view of the Capitol Building from prominent public viewing points.

The Department and the City share the goal of preserving the dominance of the dome of the Capitol Building and the view of the Capitol Building from prominent public viewing points, and improving the appearance of the west lawn of the Capitol Building by removing or modifying the surface parking lot west of Finkbine Street in a manner compatible with the planned streetscape improvements to E. Locust Street as identified in the *Capitol Gateway East Master Plan* adopted by City and the *Iowa Capitol Complex Master Plan* developed by the Department.

The Department and City desire to continue their cooperative efforts on the design and construction of improvements to the west lawn area and to the E. Locust Street streetscape.

By this Memorandum of Understanding the City and the Department intend to memorialize their mutual understanding regarding the steps each will take to achieve the shared goals set forth above.

Schedule of Anticipated Actions:

The City and Department agree to pursue the following steps to improve the area west of the Capitol Building and to preserve the dominance and views of the Capitol Building. It is expected that each step will be taken in the order listed below, and that all prior steps will be substantially completed before the next step is undertaken.

Step 1 - Initial City Actions.

- A. The City shall promptly undertake to amend the Metro Center Urban Renewal Plan for the City of Des Moines to:
 - i) Establish a Capitol View Dominance District consisting of the area generally bounded by the MacVicar Freeway (Interstate 235) on the north,

E. 14th Street on the east, the railroad tracks south of Court Avenue on the south and the east bank of the Des Moines River on the west and as further described in Exhibit A;

- ii) Establish height or elevation limitations within the Capitol View Dominance District which preserve the dominance of the Capitol Building and the view of the Capitol Building from prominent public viewing points; and,
- iii) Prohibit city assistance to any project which will result in the construction of a building or other structure which exceeds such height or elevation limitations.

B. By March 1, 2002, the City of Des Moines shall undertake to amend its Zoning Ordinance to impose a 75 foot height limitation upon the existing zoning within the Capitol View Dominance District described above.

Step 2 - Initial State Actions.

- A. The Department shall seek legislation during the 2002 legislative session appropriating funds for professional design services to design the improvements to the west lawn of the Capitol Building and shall thereafter proceed with the design of such improvements.
- B. The Department shall seek legislation during the 2003 legislative session appropriating funds for the construction of the improvements to the west lawn of the Capitol Building.

Step 3 - City Zoning Action.

Upon passage of legislation appropriating funds for the construction of the improvements to the west lawn of the Capitol Building, the City shall undertake to amend its Zoning Ordinance to preserve the dominance of the Capitol Building within the geographic area of the Capitol View Dominance District described above, and to preserve the View Corridors between the Capitol Building and the Iowa Events Center, Sec Taylor Stadium, E. Locust Street west of the Capitol Building, and other prominent public viewing points identified on Exhibit B. The dominance of the Capitol Building may be preserved by rezoning the Capitol View Dominance District to a district such as the "C-3R" Central Business District Mixed Residential District which has a seventy-five (75) foot height limitation, or by overlaying a seventy-five (75) foot height limitation upon the existing zoning. The View Corridors shall be protected by imposing an additional height limitation prohibiting any encroachment within such View Corridors, provided however, it is understood that the City is not expected to impose any height limitation upon privately owned property more restrictive than thirty-five (35) feet. The City shall be considered to have successfully completed this step if the City Council of City has given final reading to an ordinance containing the required amendments to the Zoning Ordinance, and has directed the City Clerk to withhold publication of the Ordinance until the State has let a contract for the construction of the planned improvements to the West Lawn Area.

Step 4 - Final State Action:

The Department will undertake the construction of the planned improvements to the west lawn. It is anticipated that construction will be commenced by the fall of 2003 and be completed by the summer of 2004.

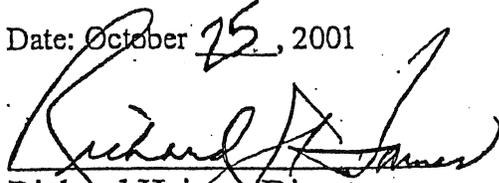
Step 5 - Final City Action:

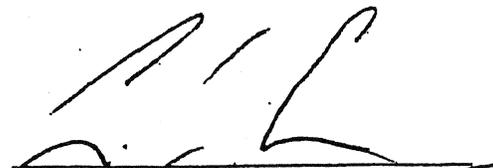
Upon the letting of a contract by the Department for the improvements to the west lawn as described above, the City shall cause the ordinance described in Step 3 to be published, and shall enforce the ordinance through its normal zoning enforcement procedures.

Although the design of the planned improvements to the west lawn area of the Capitol Building is still under consideration, the parties expect that such improvements shall include the removal or substantial reduction in size of the existing surface parking lot between Finkbine and E. 7th Streets in accordance with a design developed by the Department in consultation with the City which is consistent with shared goals of the parties.

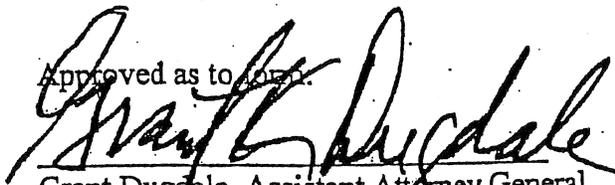
The Department and City hereby pledge to continue their cooperation in the planning and implementation of improvements to the Capitol Building grounds and to the E. Locust Street and Capitol Gateway East areas.

Date: October 25, 2001


Richard Haines, Director
Iowa Department of General Services


Eric Anderson, City Manager
City of Des Moines, Iowa

Approved as to form:


Grant Dugdale, Assistant Attorney General

Approved as to form:


Roger K. Brown, Assistant City Attorney



Iowa Department of
Administrative Services

Director's Office

Thomas J. Vilsack, Governor
Sally J. Pederson, Lt. Governor

Mollie K. Anderson, Director

Frequently Asked Questions The West Capitol Terrace Project

Q1: What is the West Capitol Terrace Project?

A1: The West Capitol Terrace Project is an initiative to redesign the space west of the Capitol Building from parking lots into a park-like public sanctuary in which people can picnic, walk, contemplate, gather and meet.

Q2: Where is the location?

A2: The project site is the space bordered by Grand Avenue on the North, Walnut Street on the South, Pennsylvania and East 7th Streets on the West, and Finkbine Drive on the East, comprising an area of land approximately 10.0 acres.

Q3: What is currently located there?

A3: The site is now the location of three on-grade asphalt parking lots (Parking Lots 7, 8 and 8A) with traffic control gates, pipe and chain bollards, and shoe-box style light fixtures that contrast sharply with the elegance and beauty of the Capitol Building and its grounds. All three of these parking lots were built as temporary constructions in the 1970s to provide for parking needs of nearby state facilities.

Q4: Where will state employees and visitors to the Capitol Complex park if these lots are removed?

A4: In February of 2003 a seven-level parking facility was opened on the northwest corner of Grand and Pennsylvania Avenues. With over 800 parking stalls, it is intended to replace Lots 7, 8 and 8A when they are removed. A complete map of all parking options on the Capitol Complex can be found online at <http://das.gse.iowa.gov/images/parking3.pdf>.

Q5: What are the project goals of the West Capitol Terrace Project?

A5: The goals are:

- Use the established Capitol Complex Master Plan as the guide for the site design;
- Protect the views from the Capitol to the City of Des Moines, and views from the City to the Capitol;
- Recognize this project in the context of the City's overall Gateway East planning efforts;
- Provide space for public events;
- Provide space for public art; and
- Create a clear and integrated transition from the red brick construction of the East Village to the Capitol Complex.

Q6: What are the guidelines for this project?

A6: The guidelines are:

- Consider sustainable design guidelines on this project;
- The space should be designed so that it does not invite activities that would damage the site improvements;

January 2006

- The Records & Property Building (currently under renovation) will remain in its current location (corner of East 7th Street and Court Avenue);
- Pedestrian access from Pennsylvania Avenue to Finkbine Drive will conform to the Americans with Disabilities Act's Accessibility Guidelines; and
- Dedicated trees need to be identified and protected or relocated when acceptable.

Q7: What is the initial design concept and who has been hired to design this project?

A7: The design team of Brian Clark and Associates, in association with Jeffrey Morgan Architecture Studio, Bishop Engineering and Seneca Environmental Services, has been retained to document the existing condition of the West Capitol Terrace site and develop a design to reflect the goals and ideas identified in the Capitol Complex Master Plan.

The preliminary design plan consists of Entrance and Central Plazas that begin at Locust Street with a large map of Iowa oriented true north, tying in the county information in the sidewalks of East Locust Street leading to the Capitol. In the plaza leading up to the Capitol there are benches and fountains, and room for public events. Outside of the paved central path are a series of terraced gardens. Plants in the gardens will frame the views from the Capitol and the city, and educate visitors about the native plants of Iowa and plants that are traditionally used to decorate our homes.

Q8: How will the project be funded?

A8: The Governor has requested a 2007 appropriation of \$2.3 million to complete Phase I of the West Capitol Terrace Project. (Phase I primarily constitutes removal of the existing parking lots and construction of the Central Plaza, while Phases II and III are the Entrance Plaza (located at East 7th Street and East Locust Avenue) and the outlying gardens and park areas.) In addition, the Department of Administrative Services and the City of Des Moines are exploring funding through the private Bloch Foundation, which provides funding for Cancer Survivors' parks or plazas in major cities throughout the U.S. This concept could be incorporated into the West Capitol Terrace.

Q9: Why is this project important for the Capitol Complex, the City of Des Moines, and the State?

A9: The Capitol Building is one of the most recognizable landmarks in the State of Iowa. Every year approximately 100,000 people visit this "Great Place" in our capital city. The City of Des Moines formally recognized the importance of the Capitol Building to the make-up of the cityscape in a Memorandum of Understanding signed between the City and the Department of General Services (now the Department of Administrative Services) in October 2001. Among other provisions, the MOU includes an agreement to improve the appearance of the west lawn of the Capitol Building by removing or modifying the surface parking lots west of Finkbine Street. The West Capitol Terrace Project is the fulfillment of this agreement in a way that can be appreciated by all visitors to the Capitol Building, as well as the businesses of and visitors to the East Village and the entire City of Des Moines.

-Visually, the West Capitol Terrace will provide a beautiful entrance from the west to our State's grandest building, as well as a link between the East Village and the Capitol Complex. For pedestrians, this renovation will provide, for the first time, a clear walkway from downtown Des Moines to the seat of our state's government. For citizens, this will be a public space open to all – expanding on and encouraging the idea of bringing people closer to the legislative process by bringing them closer to the building where that process takes place.

January 2006

1.0 EXECUTIVE SUMMARY

Project Overview

The West Capitol Terrace is identified by the 2000 Iowa Capitol Complex Master Plan¹ as "the forecourt across which the Capitol Building is viewed from downtown Des Moines..." The Master Plan visualizes this space designed for public celebrations and gatherings, a space for private respite and relaxation, and a welcoming presence for visitors coming into the Capitol Grounds. It should serve as a physical link between the State and City of Des Moines and symbolic link between the state government and the citizens of Iowa.

Unfortunately, the needs of vehicular traffic and parking have invaded this space. The site is now the location of on-grade asphalt parking lots with traffic control gates, pipe and chain bollards, and shoe-box style light fixtures that contrasts sharply with the elegance and beauty of the Capitol Building and its grounds.

In 2002, The Iowa Department of General Services retained the design team of Brian Clark and Associates, in association with Jeffrey Morgan Architecture Studio, Bishop Engineering and Seneca Environmental Services to document the existing condition of the West Capitol Terrace and develop a design to reflect the goals and ideas identified in the Master Plan. The contents of this report outline the design development process, document the decisions made during that process, and provide a clear benchmark from which to launch the development of construction documents and build the project when funds are allocated.

Project Goals

Prior to any design work, the design team and steering committee laid a foundation of design objectives and constraints to direct the design process.

The objectives:

- Use the established Master Plan as the guide for the site design.
- Protect the views from the Capitol to the City of Des Moines, and views from the City to the Capitol.
- Recognize this project in the context of the overall Gateway planning efforts.

- Provide space for public events.
- Provide spaces for public art.
- Create a clear and integrated transition from the red brick construction of the East Village to the Capitol Complex.
- Propose a resolution to the intersection of East 7th Street and East Locust Street.
- Sustainable design guidelines shall be considered on this project.

The constraints:

- Parking should not be visible from the intersection of East Locust Street and East 5th Street.
- The space should be designed so that it does not invite activities that would damage the site improvements.
- The Records Building will remain in its current location.
- Pedestrian access from Pennsylvania Avenue to Finkbine Drive will conform to the Americans with Disabilities Act.
- Dedicated trees need to be identified and protected or relocated when acceptable.
- The DGS requested 2003 appropriation on this project is \$1.4 million, total project cost. (2003 dollars)

2.0 EXISTING CONDITIONS

Location

The project site is the space bounded by Grand Avenue on the North, Walnut Street on the South, Pennsylvania and East 7th Street on the West, and Finkbine Drive on the East, comprising an area of land approximately 10.0 acres. (See Appendix 7.1.1 – 7.1.4 for existing site photos)

Landmarks

Asphalt Parking Lots 8, 8A, and 7 are located in the site, with access to Lot 8 from Pennsylvania Avenue and Finkbine Drive. Parking Lot 8A is accessed from Pennsylvania Avenue, and Lot 7 from Finkbine drive. All three of these parking lots were built as temporary construction in the 1970's to provide for the parking needs of nearby state facilities. The parking garage on the

northwest corner of Grand Avenue and Pennsylvania Avenue completed in 2003 is intended to replace the parking stalls lost when Lots 8, 8A, and 7 are removed. Buildings surrounding the site are the Wallace Building to the north, the Capitol Building to the east, the Iowa State Historical Building and Iowa State Bank to the west. Three privately held buildings and the Vehicle Dispatch building and parking are located the project site on the west end. Open green space, memorial trees, and the Trees Forever Memorial Grove dominate the south side of the site.

Topography

The West Terrace site generally slopes from a high point at the NE corner at Grand Avenue and Finkbine to the SW corner of Walnut and East 7th Street. An earth table resides on the NW corner of the site, marking the location of an elementary school that has been demolished. Rain events have caused problems in the past due to the site's topography and the layout of the existing parking lots. The parking lots act as a giant funnel and collect all the water and concentrate it toward the intersection of Pennsylvania Avenue and East Locust Street. Three area intakes located at the entrance to the parking lot do not have enough open area to accommodate all the water, and as a result, flooding into the intersection occurs.

Utilities

Site utilities include electrical lines to provide power to the light fixtures on the site, an abandoned 8" water line, and a combined 18" sanitary/storm sewer that serves the Capitol Building storm drains, air conditioning, and sanitary service. The abandoned water line and combination sewer are located near the centerline of the Capitol Complex, and run east to west. Several storm intakes and accompanying storm lines are located in the parking entrance curbs on the west side of the site at the East Locust Street and Pennsylvania Avenue intersection.

Vehicular Circulation

The existing condition of the project site is oriented toward vehicular circulation and parking. Access to Parking Lot 7, which serves visitors to the Capitol Building, is from Finkbine Drive. State employees are assigned spaces in Parking Lot 8, which can be accessed in two locations along Finkbine Drive, on the west through an alley traveling between the Vehicle Dispatch and the Trees Forever Grove from East Walnut or from Pennsylvania Avenue. Parking Lot 8A, which serves the State Historical Building, can only be accessed from Pennsylvania Avenue.

Pennsylvania Avenue is three lanes of one-way traffic traveling to the north toward the McVicar Freeway. East Locust Street is also a one-way street, east bound, with two lanes feeding into Pennsylvania Avenue to the north and one lane feeding East 7th Street to the south. Grand Avenue is a heavily traveled four-lane road with eastbound and westbound traffic on the north side of the site. Finkbine Drive is a two way street connecting East Walnut Street and Grand Avenue to the east of the site. Buses bringing children to visit the Capitol queue up and park in the bus lane along the eastern side of Finkbine Drive. Walnut Street is a one-way street westbound on the south side of the site. And finally, East 7th Street is a north and southbound street on the west side of the site between East Locust Street and Walnut Street.

Pedestrian Circulation

The West Capitol Terrace has been designed almost exclusively for the automobile. There are no sidewalks or clear pedestrian paths from the parking lots to sidewalks that enclose the site boundary. Most remarkably, there are no clear pedestrian connections that will allow a person walking from the East Village of Des Moines to come directly up to the Capitol Building without navigating through a sea of parked vehicles. The only clear pedestrian paths that have been articulated on site are the sidewalks that have been built parallel to the streets surrounding the site.

The streets that define the site also act as barriers to pedestrian traffic trying to cross them. Crosswalks at the Pennsylvania Avenue and Finkbine intersections of Grand Avenue provide safe areas for crossing to the north or south, but are intimidating in their length and the time allotted for crossing. Vehicles traveling on East Locust Street tend to move at higher speeds in order to make the transition to the steep slope (10%) on Pennsylvania Avenue between East Locust and Grand Avenue. This situation places the pedestrian in danger of being struck by a vehicle as they try to cross Pennsylvania Avenue or East Locust Street. This dangerous situation has been tempered with the recent addition of traffic control signals. No clear pedestrian crossings exist at the junction of the existing Capitol Terrace and Finkbine Drive, or at its intersection with East Walnut Street. No sidewalk is present to handle loading and off-loading of buses queuing up along the east side of Finkbine Drive, and crossings at East Walnut and East 7th Street are not clearly marked.

West Capitol Terrace – the Design

prepared by brian clark and associates

October 2005

When complete, the West Capitol Terrace will be a public sanctuary in which to picnic, walk, contemplate, gather, and demonstrate. The design is a series of individual elements tied together by consistent use of materials and the repetition and dimensions of the pedestrian path from downtown Des Moines to the Capitol.

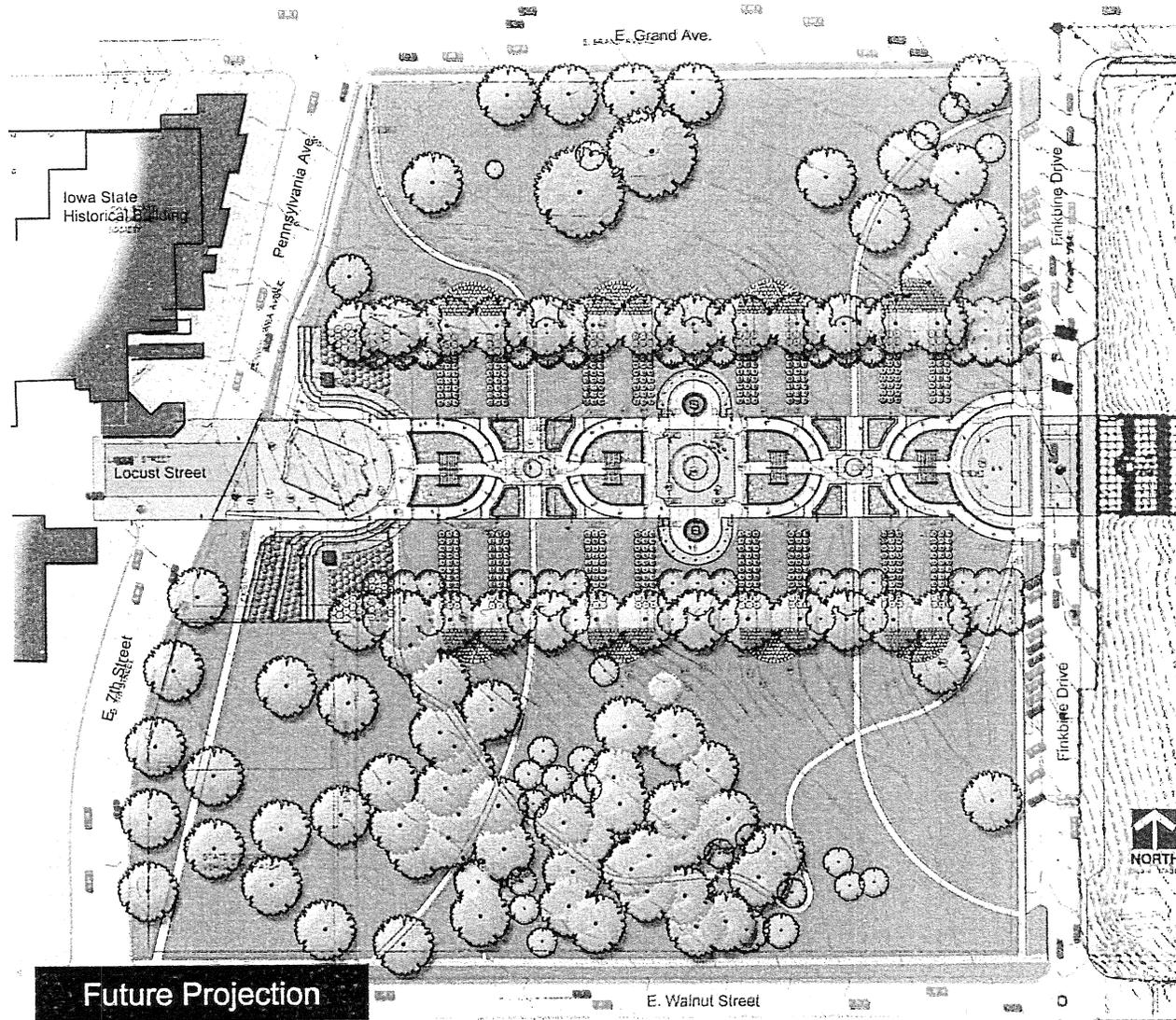
Visitors first experience the Entrance Plaza, which is surrounded on the north and south by a series of stepped seat walls that act as vertical elements to define the space. At the top and center of these stepped walls resides a tall vertical structure, which clearly defines the front entrance into the Capitol Complex and recalls the columns on the Capitol Building. This spacious plaza could allow for vendors to sell food or souvenirs from mobile carts. A large map of Iowa, oriented true north dominates the center of this space and ties the county seat information in the sidewalks of East Locust Street to the Capitol.

The Central Plaza is intended for small to medium sized public gatherings. When the space is not full of people, it will be animated by a potential large fountain centered in the middle of the plaza with flags flanking the space to the north and south. When the space is needed for events or demonstrations, the fountain can be turned off and the whole space used without interruptions by projecting fountains nozzles and other utilities.

On the east end of the mall, facing the Capitol Building, a large, level, open plaza space acts as an events stage for large public events such as concerts or demonstrations.

At any point in the mall, one can wander off the paved path and into a series of terraced gardens. Plants in the gardens will frame the views from the Capitol and city, educate visitors about the native plants of Iowa and plants that are traditionally used to decorate our homes.





Future Projection

Not to Scale

State Capitol - West Terrace Master Plan

State of Iowa - Department of General Services

prepared by brian clark and associates

October 2005

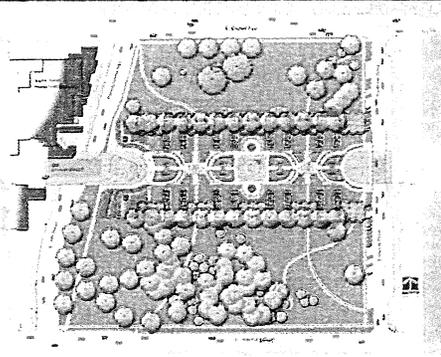
The Design

When conceived, the West Terrace Project will be a public parkland in which to sit, walk, stroll, and play, and to enjoy the view. The design is a series of functional elements that together form a functional and enjoyable parkland. The design is a series of functional elements that together form a functional and enjoyable parkland. The design is a series of functional elements that together form a functional and enjoyable parkland.

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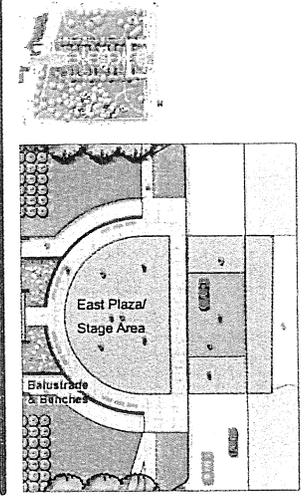
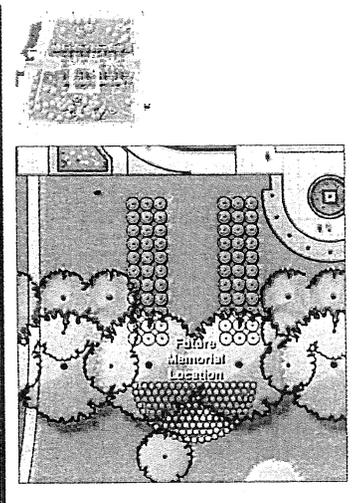
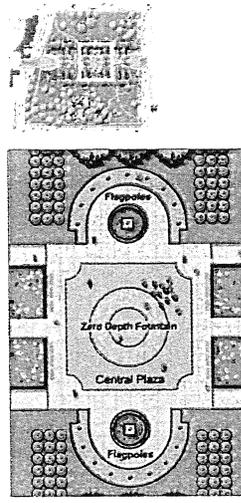
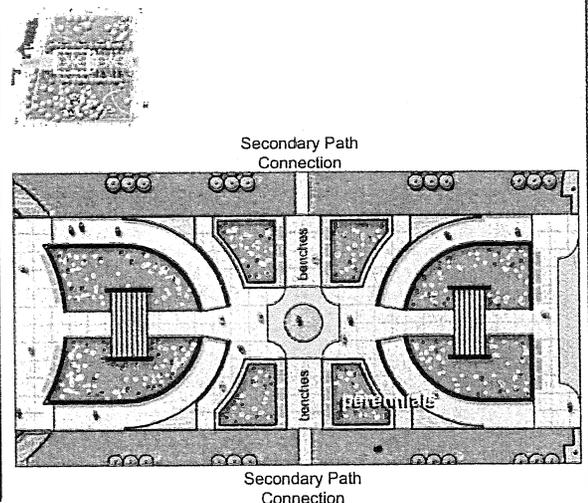
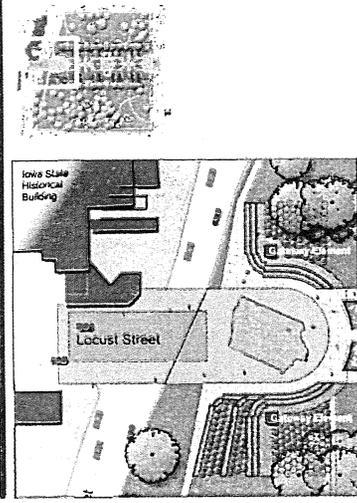
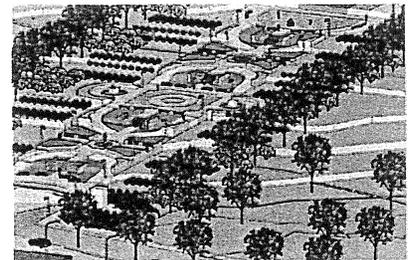
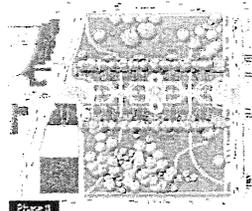
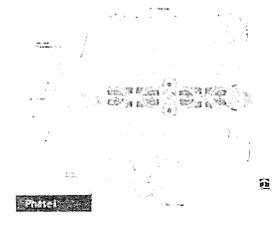
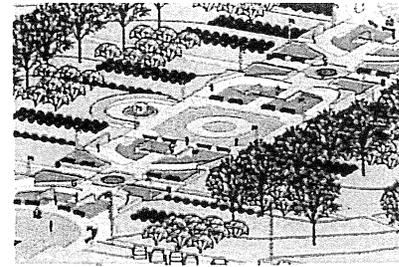
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Fundable Items

Fountain Quantity: 1	Price per item: \$742,000 ea
State of Iowa Map Quantity: 1	Price per item: \$65,000 ea
Entry Columns Quantity: 2	Price per item: \$50,000 ea
Walkways Quantity: 1	Price per item: \$14,000 ea
1000 Square Foot Benches of Specialty Paving Quantity: 10	Price per item: \$10,000 ea
Terraced Garden Bedstone Quantity: 5	Price per item: \$8,000 ea
Flag Poles Quantity: 2	Price per item: \$7,000 ea
Perennial Plantings Quantity: 12	Price per item: \$4,000 ea
Benches Quantity: 20	Price per item: \$1,200 ea
Bollards Quantity: 24	Price per item: 1,000 ea
Quantity Trees Quantity: 24	Price per item: \$300 ea
Quantity Trees Quantity: 24	Price per item: \$250 ea



State Capitol - West Terrace Master Plan

State of Iowa - Department of General Services

prepared by brian clark and associates

October 2005

October 8, 2005

Section: Main News

Page: 1A

\$1 million gift could lift Gateway

Clayworth Jason, Staff

The downtown development could cost less to taxpayers if a cancer survivor park is approved.

**By JASON CLAYWORTH
REGISTER STAFF WRITER**

Des Moines' Western Gateway Park is in line to win a \$1 million donation to transform part of the unfinished park into a lush mix of gardens, sculptures and possible water plazas dedicated to cancer survivors.

At least 20 cities -including Chicago, Omaha and Minneapolis -already have parks dedicated to cancer survivors. The parks are open to the public and "give a subconscious message that death and cancer are not synonymous," according to information from the foundation that offers the award.

The donation would alleviate the city's expenses to develop that part of the park, which has not been completely planned as part of a second phase of the Gateway.

City leaders, however, say they may pass on the donation because Gateway space is precious and they are unsure if the plans mesh with their ideas of the park.

"We need to optimize the Gateway and make it interesting, and this is a really generous idea and offer," said Councilman Chris Coleman. "I'm not saying yes to this and I'm certainly not yet saying no."

The Western Gateway Park is a \$30.5 million city project, bordered by 10th and 15th streets between Grand Avenue and Locust Street. The controversial project was first conceived nearly 15 years ago as a way to rejuvenate the heart of city. It's designed in the tradition of Central Park in New York City and the Boston Common.

The project has stalled several times as city leaders scramble for money and fight with angry landowners and historic preservationists who object to plans that have called for the demolition of dozens of buildings.

This year, however, building demolitions and park construction kicked into high gear. Parts of the eastern edge of the park -including walkways, trees and an artificial brook -are expected to open in time for the new downtown library grand opening in April. Other areas of the park will be completed later in 2006.

The two western **blocks** of the park are largely planned as open grass areas. City leaders had hoped to later develop large gardens, art and other attractions in that space. The western edge of the park, however, could be developed more quickly and with less cost

to taxpayers than planned if the survivor park is approved. Several local medical professionals who specialize in cancer treatment have applied for money from the R.A. Bloch Cancer Foundation, a Kansas City, Mo., nonprofit group.

The foundation has given millions of dollars to nearly two dozen cities to build public parks to offer hope for people who face cancer.

Each survivor park contains a walk with 14 bronze plaques that contain instructional and inspirational messages. Cities also have used the money to develop water fountains, sculpture and gardens.

"The parks are meant to be a visible reminder to people every day that cancer is not a death sentence," said John L'Estrange, a Des Moines pharmacist who helped apply for the grant. Vangie Rich, the group's executive director, has visited the Western Gateway Park. She said her group will make a decision about the \$1 million award after some of the initial work is completed, which will likely be within the next year. The group designates \$750,000 for park construction, \$150,000 for sculptures and plaques and \$100,000 for future maintenance.

If the survivor park is not suited for the Gateway, city leaders hope to add it to another Des Moines location, said Park and Recreation Director Don Tripp.

Des Moines City Councilwoman Christine Hensley represents much of the downtown area, including the Western Gateway Park. City leaders must carefully choose developments in the park because "you don't have a lot of room for error," she said.

Other groups have also come forward with inquiries about donations such as art or requests to hold events in the Western Gateway Park, Hensley said.

Jennifer Witt, a nurse who helped apply for the survivor park grant, said the Western Gateway Park, would offer high visibility for the cancer memorial.

"We just feel this would be a great thing to bring to Des Moines," Witt said.

About the R.A. Bloch Cancer Foundation

Richard Bloch, the co-founder of H&R Block, was told in 1978 that he was dying of lung cancer and had three months to live. He beat the disease and lived 26 years after his diagnosis, dying in 2004 of a heart ailment at the age of 78.

In addition to parks, the R.A. Bloch Cancer Foundation offers information about the disease and a hot line for people to seek counseling. More information can be found online at www.blochcancer.org or by phone at (800) 433-0464.

Photo_By: ROBERT NANDELL/THE REGISTER:

Being constructed: A canal is planned to run through the Western Gateway Park in downtown Des Moines. The project is in line for a \$1 million donation to honor cancer survivors.

Graphic map: THE REGISTER:

Western Gateway Park

A \$1 million donation could be used to enhance the western two blocks of the park.